IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital: the 17th day of September 2005
Bail Application No. 880 **of 2005**
Order on the bail application of accused

CRIMINAL SIDE

Kuldeep Singh S/o Mubarik Singh
R/o Hariyana Farm, Kichha
P.S. Kichha
District Udham Singh Nagar …Applicant

Versus

State of Uttaranchal ..Opposite Party

Arising out of Case Crime No. 1146 of 2005
Under Sections 147, 148, 149, 307, 504, 120-B I.P.C.
Thana Kichha
District – Udham Singh Nagar

By the court

Hon'ble B.C.Kandpal, J.

The applicant has applied for bail in case crime No. 1146 of 2005 under Sections 147, 148, 149, 307, 504, 120-B I.P.C. Thana Kichha, District Udham Singh Nagar.

Heard Sri P.S. Adhikari, learned Senior Advocate, assisted by Sri B.S. Adhikari, learned counsel for the applicant, learned A.G.A. as well as Sri Arvind Vashisth, learned counsel for the complainant and perused the record.

According to the prosecution case, the applicant along with five others fired shot at Mohd. Farukh, however, Mohd. Harun could escape and no injury was caused to him while two firearm injuries were caused on the person of Mohd. Farukh.

The statement of the injured is annexed along with the bail application which causes a shadow of doubt in the prosecution case, as the injured have stated in his statement that it were Satish Chand, Bhim Bahadur and Prabhu Dayal @ Raju who were carrying country made pistol in their hands and cased injures on the person of Mohd. Farukh.

Keeping in view the contradiction between the averments made in the F.I.R. as well as in the statement of the injured Mohd. Farukh, I fm of the view that it is a fit case for bail at this stage.

Let the applicant Kuldeep Singh be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of Magistrate concerned.

(B.C. Kandpal, J.)

17.09.2005
ASWAL